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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,218	06/15/1999	STEVEN J. SCHWARTZ	IBN-0011	3857

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CENTRAL COAST PATENT AGENCY
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EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 12/12/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/333,218

Applicant(s)

SCHWARTZ ET AL.

Examiner

Afsar M Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. Responsive to amendments received on November 07, 2003, amended claims 1 and 8 entered as requested.
2. In light of the amendments, and further explanation, the rejection of claims 1-14, under 35 U.S.C. § 112, second paragraph, is withdrawn.
3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**
4. Claims 1-14 are rejected under 35 U. S. C. 102(e) as being anticipated by Chow et al. (US Patent No. 5999528).

Claims 1-3, 10 and 11 Chow teaches: a switching plane 1, with a plurality of interface units (3A-3E), (Figure 1), where twelve data ports are designated for the interface units (Col. 6, lines 15-20), where the interface units connect to the switching plane through ISL5 communication links (Col. 6, lines 30-35), and determining a number of switching links to be up to 16 in number 0000-1111 (Col. 10, lines 27-39).

Claims 6-8, and 14 Chow teaches: that of the claim 1 rejection and, a table stored in memory for maintaining the active connection routes, where the table is indexed when VPI connections change status (Col. 12, lines 40-53), and (Col. 13, lines 1-4).

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Claim 9 A processor makes the change updates to memory (Col. 15, lines 32-35) and (Col. 15, lines 50-55).

Claims 4, 5, 12 and 13 A Hub card is used to occupy exactly half of the switching fabric by consolidating the variable rate interfaces into one interface unit of consolidated bandwidth (Col. 6, lines 60-67) and (Col. 7, lines 1-8).

Response to Arguments

5. Applicant's arguments filed on November 07, 2003, have been fully considered but they are not persuasive.

Applicant argued that the cited prior art, CHOW (US 5,999,528), does not anticipate all of the limitations recited in applicant's claims 1-3, 10 and 11, such as, CHOW teaches a singular switching plane 1 with a plurality of interface units. Wherein applicant's base claims, as amended, specifically recite "the switching fabric being partitioned into a plurality of switching planes, ...".

The examiner contends that CHOW is anticipating all the limitations recited in the claims as disclosed in the rejection of claims 1-14 of the Office action.

CHOW discloses switching core 1 (switching plane 1) is made up of plurality of dual switching cards, such as 1A, 1B, etc. (see figure 15) providing inter shelf links for connecting peripheral shelves (see col. 6, lines 46-50). The switching fabric can be fully duplicated (see col. 6, lines 64-65) and that the modifications and duplication to the

switching core 1 is possible for redundancy and to enhance possible distribution of system timing signals (see col. 24, lines 13-22).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (703) 308 8542.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305 4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 2381.


AFSAN QURESHI
PATENT EXAMINER

December 09, 2003


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 12/10/03